

EXHIBIT Z

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Page 1

1 UNITED STATES DISTRICT COURT
2 NORTHER DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 -----X

5 ORACLE AMERICA, INC.,

6 Plaintiff,

7 - against -

8 GOOGLE, INC.,

9 Defendant.

10 CASE NO.: CV 10-03561 WHA

-----X

11
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13
14 January 14, 2016

15 9:42 a.m.

16
17 VIDEOTAPED DEPOSITION of HENRIK STAHL,
18 taken by Defendant, at the offices of Orrick,
19 Herrington & Sutcliffe LLP, 51 West 52nd Street,
20 23rd Floor, New York, New York, before Melissa
21 Gilmore, a Shorthand Reporter and Notary Public
22 of the State of New York.

23
24
25 Job No. CS2210624

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1 when we say feature phones here.

2 Q. The second bullet point in the
3 document on page 30 says, "Old technology
4 stack."

5 A. Uh-huh.

6 Q. Was it your view, at the time of
7 this document in April 2012, that Java ME was
8 an old technology stack?

9 MS. SIMPSON: Objection to form.

10 A. Yes, I believe that if you wanted to
11 continue to use and license Java ME and, in
12 particular, to be able to compete with
13 something like Android, would have to make
14 significant investments in it.

15 Now, that might not be the right
16 decision, which is kind of what the third
17 bullet here is referring to.

18 Q. And Oracle did not, in fact, make
19 the significant investment required to keep up,
20 correct?

21 A. We considered it.

22 MS. SIMPSON: Objection to form.

23 A. We considered it. We decided
24 against it.

25 Q. The second bullet point down says,

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1 "Hard to motivate ME investment for mobile
2 licensing alone."

3 What did you mean by that?

4 A. We were considering what the
5 evolution of the Java ME specification would
6 be. And, at the time this was written, again,
7 April 2012, we basically believed there was
8 no -- there was no forward-looking business for
9 a new Java ME -- CLDC evolution that would
10 create significant new business for us. That
11 statement, by the way, turned out to be
12 incorrect.

13 Q. And why was that statement
14 incorrect?

15 A. Because we decided to invest in Java
16 ME for small embedded devices, and that
17 investment turned out to make sense.

18 Q. Does Oracle compete with Android in
19 the market for small embedded devices?

20 A. So embedded devices is a continuum,
21 and it's also very -- not variable -- varying,
22 I guess, is a good word. There's lots of
23 different platforms with different
24 capabilities.

25 For some of those platforms that are

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1 reasonably powerful, anything basically that
2 runs what's called an application processor and
3 has certain hardware capabilities, you can run
4 a standard operating system, and that operating
5 system could be, you know, Linux, or it could
6 be Android, which at the end of the day, is a
7 derivative of Linux.

8 And in that area, the combination of
9 Java on Linux competes with Android, yes. If
10 you go to much smaller devices, in particular,
11 micro controller-based devices, Android, in all
12 forms I'm aware of, is far too large to be able
13 to run on such devices, and Java ME exists in
14 that space, has some -- has some business in
15 that space, and it competes with other
16 platforms, and not Android.

17 Q. Has Oracle lost Java ME licensing
18 revenue for small embedded devices to Android?

19 MS. SIMPSON: Objection to form.

20 A. My definition for small embedded
21 here is very specifically devices that are
22 running things like micro controllers. You
23 can't run Android on such devices.

24 So within that context, in that
25 meaning with small embedded, no, it has not.

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1 Oracle has lost business to Android on embedded
2 devices, though, just not this definition of
3 small embedded I'm using here.

4 Q. What types of embedded -- strike
5 that.

6 For what types of embedded devices
7 has Oracle lost business to Android?

8 A. Automotive dashboards, smart TVs,
9 probably set-top boxes. In general, it's been
10 hard for Java to compete with Android in any
11 device which is consumer facing and has a user
12 interface.

13 Q. And why is that?

14 A. Because Android so completely
15 dominates the non-iOS smartphone market and
16 tablet market, basically. So developers are
17 used to building apps against the Android APIs,
18 and were used to building the apps against the
19 Android APIs, they are not interested in
20 building apps against the Java APIs, so Android
21 has come to replace, if you will, the Java
22 APIs, which -- for UI app tape development,
23 which has been the largest factor in the
24 decline of Java and Java sales for such
25 applications.

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1 Q. For devices without a UI, Java ME
2 does not compete with Android?

3 MS. SIMPSON: Objection to form.

4 A. So that's not a correct statement.
5 You don't differentiate on whether it has a UI
6 or not when you decide whether it should run
7 Java ME or not. It's more about the hardware
8 capabilities of the device.

9 If you choose to run the current
10 version of Java ME, it's because you have a
11 really low-end device like a micro controller
12 with very little memory and certain other
13 hardware restrictions that don't exist in
14 higher-end devices.

15 Q. So Java ME does really well in
16 low-end devices without user interface,
17 correct?

18 MS. SIMPSON: Objection to form.

19 A. Java ME is a good technical solution
20 for various small devices.

21 Q. And, in that area, it's a superior
22 solution to Android. Is that your opinion?

23 A. Yes. Android can't run on such
24 small devices. It's too large and it requires
25 too much of the underlying hardware. It's

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1 impossible.

2 Q. And in the market for devices with
3 the user interface, Java ME doesn't do as well
4 against Android, correct?

5 MS. SIMPSON: Objection to form.

6 A. We don't position Java ME in larger
7 devices with user interface. The right
8 statement would be that Java SE has a problem
9 competing with Android in larger embedded
10 devices with a user interface.

11 Q. Has Oracle ever marketed Java ME for
12 mobile devices that compete with Android?

13 MS. SIMPSON: Objection to form.

14 A. I don't know. I guess you could say
15 that the fact that Java ME is used in -- I
16 think Java ME is used in BlackBerry. Java ME
17 is used in some of the Kindle devices, and
18 other Kindle devices run Android. So they're
19 competing in the same market segment.

20 Q. Other than those two examples, are
21 you aware of Oracle marketing Java ME for any
22 mobile device that competes with Android?

23 A. I'm not aware, and it's quite likely
24 I wouldn't be aware.

25 Q. If you turn to page 32 of the

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1 document. The title of this slide says ME
2 Future Positioning. And then below it says
3 Platform for Feature Phones.

4 A. Uh-huh.

5 Q. Was it Oracle's strategy, as of
6 April 2012, to position ME as a platform for
7 feature phones?

8 A. So I believe, at the time, when this
9 was written, we was, you know, working on the
10 Java ME 7 specification, and the primary target
11 for that specification was small, embedded
12 devices, so devices based on micro controllers
13 and other extremely limited hardware
14 configurations.

15 But we were also in discussions with
16 at least [REDACTED] there might have been more
17 vendors that were current Java ME CLDC
18 licensees for their phones about producing, you
19 know, one final update that they could use for
20 a number of years for their kind of end-of-life
21 part of that business of theirs.

22 And that's why it was put here as
23 one of the potential strategic -- I'm sorry,
24 not strategic -- potential roadmap goals for
25 the next version of Java ME. So that must have

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C E R T I F I C A T E

STATE OF NEW YORK)

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COUNTY OF RICHMOND)

I, MELISSA GILMORE, a Notary Public
within and for the State of New York, do hereby
certify:

That HENRIK STAHL, the witness whose
deposition is hereinbefore set forth, was duly
sworn by me and that such deposition is a true
record of the testimony given by such witness.

I further certify that I am not
related to any of the parties to this action by
blood or marriage; and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 19th day of January, 2016.

MELISSA GILMORE